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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANCISCO AYALA DE JESUS and
FREDY SALUSTIO FLORES, *individually
and on behalf of others similarly situated*

Plaintiffs,

v.

P&N CUISINE INC. (D/B/A THAI
SELECT) and NIMNUAL LIKITUARIN,

Defendants.

No. 20-CV-3619 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On December 3, 2020, the Clerk of Court entered a certificate of default against Defendants P&N Cuisine Inc. and Nimnual Likituarin. Dkt. 19, 20. Plaintiff filed a proposed order to show cause to obtain default judgment on December 7, 2020. Dkt. 21.

Pursuant to this Court's Individual Rules & Practices in Civil Cases, a plaintiff seeking default judgment should not proceed by order to show cause, but rather by way of action pursuant to the procedure set forth in Attachment A. Attachment A is available at https://nysd.uscourts.gov/sites/default/files/practice_documents/Judge%20Abrams%20-%20Individual%20Rules%20of%20Practice%20in%20Civil%20Cases.pdf,

It is hereby ORDERED that Plaintiff shall file a motion for default judgment by **December 16, 2020** by the procedure described in Attachment A. Plaintiff shall serve a copy of the motion for default judgment, any supporting papers, and this Order by **January 8, 2021** on the Defendant by the methods described in Rule 4 of the Federal Rules of Civil Procedure. Plaintiff shall file proof of service of these documents with the Court.

IT IS FURTHER ORDERED that answering papers, if any, should be served upon Plaintiff by **January 22, 2021**.

In light of the COVID-19 crisis, the Court will resolve this matter on the papers. If Defendant fails to file answering papers on Plaintiffs by January 22, 2021, or fails to request an extension to do so, judgment may be entered for Plaintiffs.

SO ORDERED.

Dated: December 9, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

Ronnie Abrams
United States District Judge